IN RE: PETITION FOR RESIDENTIAL VARIANCE\* BEFORE THE NE/S Middle River Road, 570'+/-\* ZONING COMMISSIONER SE of Pulaski Highway (1015 Middle River Road) \* OF BALTIMORE COUNTY 15th Election District 6th Councilmanic District \* Case No. 91-43-A Arthur M. Knight, et ux

Petitioners

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a variance to permit an existing open projection (deck) in the rear yard with a rear yard setback of 10 feet in lieu of the minimum required 22.5 feet in accordance with Petitioner's Exhibit 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no requests for public hearing, a decision shall be rendered based upon the documenta-

The Petitioners have filed the supporting affidavits as required by Section 22-26 (b)(1) of the Ballimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variances would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

91-43-A

My Prop. is Surrounded By Commercial Prop., WITH NEW STORAGE BLDGS. BOIN, BNILT LESS THAN 20' From My REAR Prop. hino.

Our REAR Vd. is often Soggy, & SOMETIME STAYS WET. THIS DECK WILL ALLOW ME TO USE OUR VEAR VARD TO ENJOY THE ONTDOORS. WE HAVE BEEN REZONED ML-IM, AND THERE IS VERY LITTLE RESIDENTIAL LEFT Around US ANYMORE.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the B.C.Z.R. having been met, and for the reasons set forth above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this /200 day of September, 1990 that the Petition for Residential Variance to permit an existing open projection (deck) in the rear yard with a rear yard setback of 10 feet in lieu of the minimum required 22.5 feet, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Zoning Commissioner for Baltimore County

**AFFIDAVIT** in support of residential zoning variance 91-43-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

That the Affiant(s) does/do presently or upon settlement will reside at 1015 Middle River Pd. 21220

That based upon personal knowledge, the following are the facts upon which I/we base the request for for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Monna L Knegger
AFFIANT (Handwritten Signature) Norma L. Knight

AFFIANT (Printed Name)

I HEREBY CERTIFY, this <u>21st</u> day of <u>June</u>, 19 <u>90</u>, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Arthur M & Norma L Knight

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

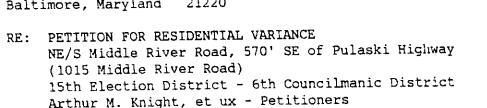
021-90 DATE

Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 387-3353 J. Robert Haines Zoning Commissioner

Baltimore County

September 12, 1990

Mr. & Mrs. Arthur M. Knight 1015 Middle River Road Baltimore, Maryland 21220



Dear Mr. & Mrs. Knight:

Case No. 91-43-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Residential Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

> Very truly yours, J ROBERT HAINES Zoning Commissioner for Baltimore County

Dennis F. Rasmussen

cc: People's Counsel

File

ZONING-DESCRIPTION
91-43-A

BEGINNING AT A POINT ON THE NORTH EBST RW OF MIDDLE RIVER RD. (50 WIDE) AT A DISTANCE OF 570± SE OF PULASKI HIGHWAY BEING KNOWN AS # 1015 MIDDLE RIVER RD. IN THE 15TH ED. . STAC. IN AREA.

I AM RESPONSIBLE FOR THE ACCURACY OF ALL INFORMATION ON THE DESCRIPTION AND PLANS IN THIS PETITION AS DRAWN BY BALTO. CQ. 7/25/98

|                              | Toursen, Maryland                   |
|------------------------------|-------------------------------------|
| District 7tf                 | Date of Posting 1/13/90             |
| Posted for: Variation        |                                     |
| Petitioner: //r/hux M        | Knight - tax                        |
| Location of property: NES M. | ddle Rider Rd., 570'+ SE/Rloski Hwy |
| 1015 Middle River            | Rd                                  |
|                              | riddle Rider Kd. approx. 10' Fr     |
| readway on property          | of felilions.                       |
| Remarks:                     |                                     |
| Posted by Masketus           | Date of return: \(\int \)/17/90     |
| Sumber of Signer             |                                     |

| 01-11-12-12-12-12-12-12-12-12-12-12-12-12 |   |
|---|---|
| 734.85                                    |   |
|   | , |
| -6TU 8                                    | • |

Baltimore County Zoning Commisioner County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

MP100031

010 -ZONING VARIANCE (IRL)

080 -POSTING SIGNS / ADVERTISING 1 X

LAST NAME OF OWNER: KNIGHT

04A04#0042MICHRC BA C003:50PM07-23-90 Please make checks payable to Baltimore CountYEXT BUSINESS DAY PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchasers

City/State/Ilp Code

Attorney for Petitiones

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1BO2.3.C.1, S.302 as addressed in Zoning Policy S-12 and S.301.1

To permit an existing open projection (deck) in the rear yard with a rear setback of

10 ft. in lieu of the minimum required 22.5 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

To Construct Anout door wood Deck in my rear yard to Provide Privacy From traffic & Front Activity

Secuttachiment Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

|                                       | penalties of perjur<br>owner(s) of the pro                | ry, that I/we                      | e are the legal  |
|---------------------------------------|---|------------------------------------|--|
|                                       | this Petition.  | , , , ==                           | NE SH  |
|                                       | Legal Owner(s):   | 4                                  | EH   |
|                                       | Arthur M. K. (Type or Print Name)                         | Night                              | 15 11 189  |
| · · · · · · · · · · · · · · · · · · · | Signature Signature                                       | net -                              | pt.  |
|                                       | (Type or Print Name)                                      | night.                             | 100 G  |
| <b>1</b>                              | Signature   | 1                                  | The second secon |
|                                       | Address  District Mildle  Rity/State/2ip Code             | RIVER                              | P.J. 1.86-6278<br>Phone  |
|                                       | City/State/Zip Code                                       | 1228                               | · · · · · · · · · · · · · · · · · · ·  |
|                                       | Name, address and phone nu<br>purchaser or representative | mber of legal o<br>e to be contact | wner, contract<br>ad.  |
| ·····                                 | Norma i Art<br>Name<br>1015 Middle                        |                                    | 194 t 1866778  |
|                                       | Middress /  | e Bulli                            | Phone Phone  |

URDERED by the Zoning Commissioner of Baltimore County, this 23 day of July, 19 20, that the subject matter of this petition be posted on the property on or before the 15 day of AUO 19 90

ty Dffice Building in Towson, Baltimore County, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_, at \_\_\_\_ etclock

| 0577                     | nnggivija for filma |
|--------------------------|---------------------|
| \$ 12 My 15<br>\$ 20 4 5 | 9/12/90             |
| <u>.</u> .               | Assa .              |

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines



Baltimore, Maryland 21220

ITEM NUMBER: 31

Mr. & Mrs. Arthur M. Knight

1015 Middle River Road

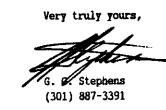
LOCATION: NE/S Middle Riaver Road, 570 (+/-) SE Pulaski Highway 1015 Middle River Road

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a

1) Your property will be posted on or before August 15, 1990. The last date (closing date) on which a receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your Order to be held and incur a \$50.00 charge. Please be advised that the Order will not be available for you to pick-up the

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of also has the option to request a public hearing.

> 3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.



Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

August 27, 1990

Mr. & Mrs. Arthur M. Knight 1015 Middle River Road Baltimore, MD 21220

Dennis F. Rasmussen

RE: Item No. 31, Case No. 91-43-A Petitioner: Arthur M. Knight, et ux Petition for Residential Variance

Dear Mr. & Mrs. Knight:

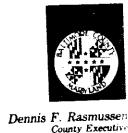
The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this

J. ROBERT HAINES ZONING COMMISSIONER

Received By:

Petitioner: Arthur M. Knight, et ux Petitioner's Attorney:

27th day of June, 1990.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

DATE: August 6, 1990

TO:

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Arthur M. Knight, Item No. 31

In reference to the Petitioner's request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

ITEM31/ZAC1

Baltimore County Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

August 10, 1990



Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 30, 31, 33, 34, 35, 36, 37, and 38.

Very truly yours, Traffic Engineer Associate II

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

August 13, 1990

J. ROBERT HAINES, ZONING COMMISSONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

SUBJECT:

ZONING TIEM #: 3 ( PROPERTY OWNER: Arthur M. Knight, et ux LOCATION: NE/S Middle River Rd, 570' (+/-) SE Pulaski Highway (#1015 Middle River Road) ELECTION DISTRICT: 15th COUNCILMANIC DISTRICT: 6th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

( ) PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

( ) PARKING LOCATION ( ) NUMBER PARKING SPACES

( ) RAMPS (degree slope) ( ) CURB CUTS

( ) SIGNAGE ( ) BUILDING ACCESS ( ) PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

( ) A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

( ) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 ( BALTIMORE COUNTY BUILDING CODE).

OTHER - NO OTHER COMMENT AT THIS TIME. SEE ATTACHED MEMO..

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

CHECK ITEM APPLICABLE TO THIS PLAN

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500 Paul H. Reincke

AUGUST 9, 1990

Dennis F. Rasmussen

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

RE: Property Owner: ARTHUR M. KNIGHT

#1015 MIDDLE RIVER ROAD Location:

Item No.: \*31 Zoning Agenda: AUGUST 14, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group Special Inspection Division Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: August 9, 1990

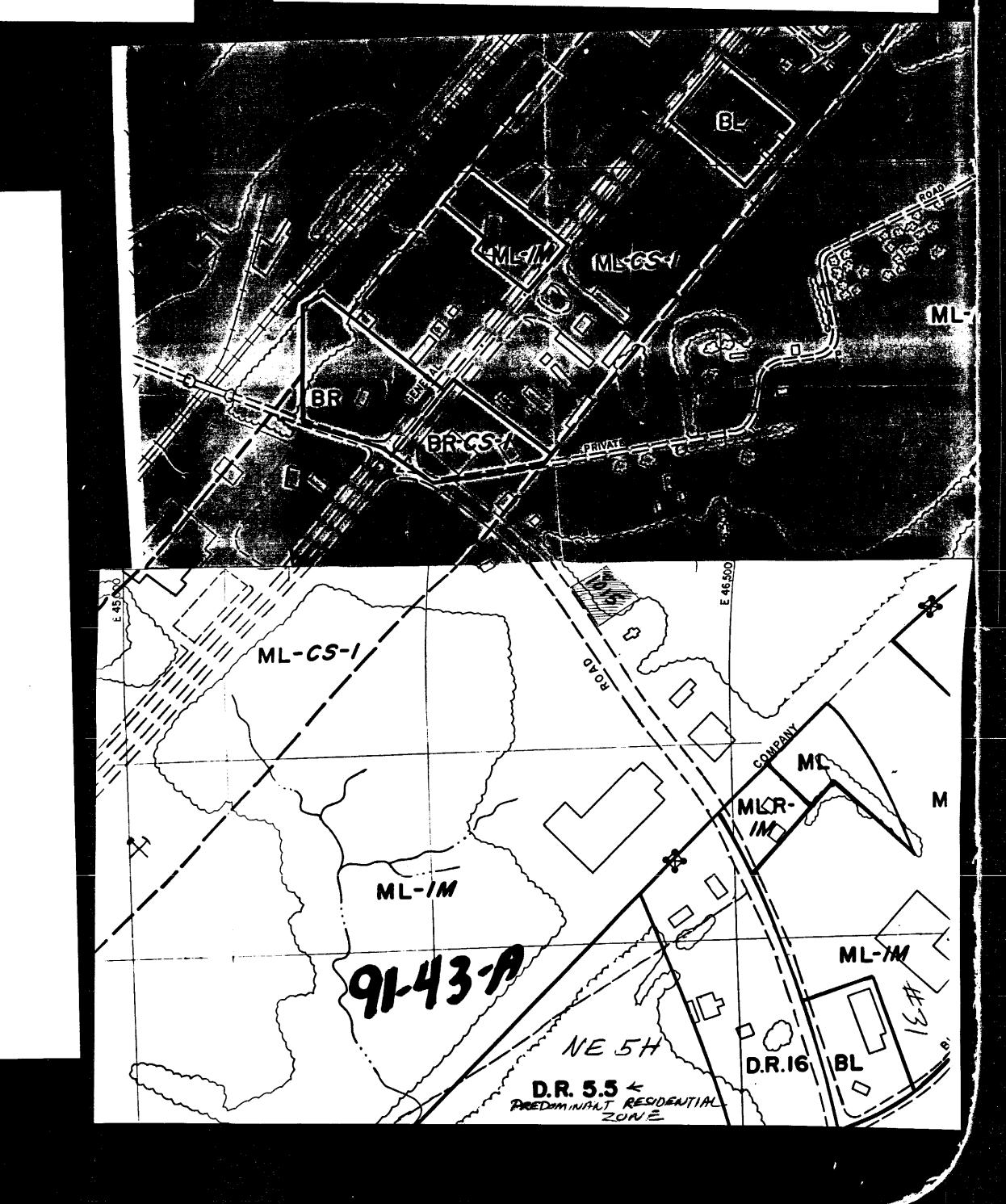
FROM: Robert W. Bowling, P.E.

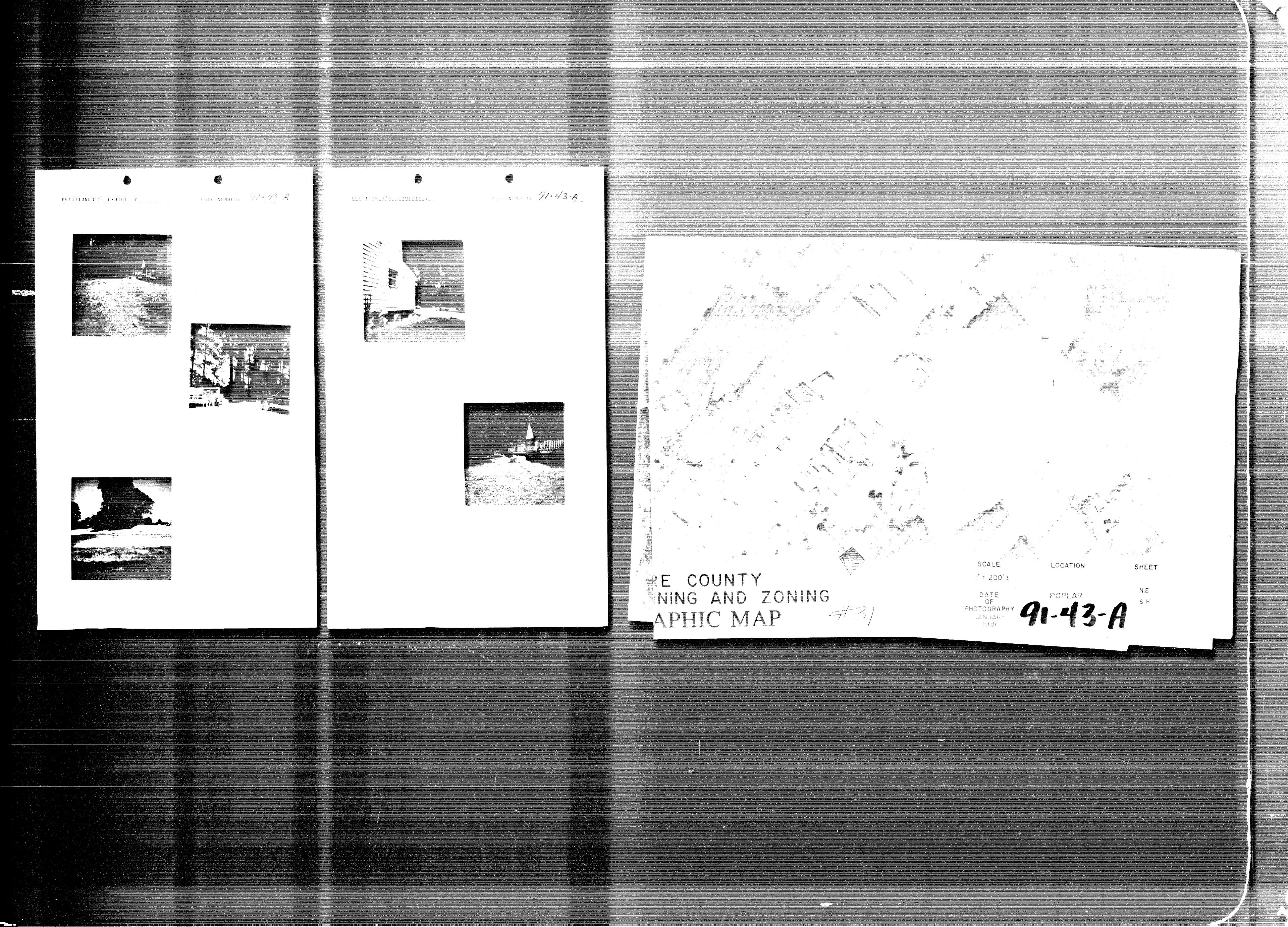
Zoning Advisory Committee Meeting for August 14, 1990

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 30, 31, 33, 34, 35, 36, 37, 38.

Developers Engineering Division

RWB:s





YCINITY MAP 1' + 1000 SCALE LOCATION THEORMATION WAREHOUSE\_ UNDER CONSTRUCTION) ELECTION DISTRICT Zoning ACRUMAE SOUARE FEET House 2/000 59.6 SAVER YES PUBLIC WATER YES RUBLIC The sur Les peurs PRIOR Zowing HEARINGS 94 WEUDELL! SHEET NO. \_\_\_\_\_ OF \_\_\_\_ CONTRACT NO. PROJECT. BOOK NO.\_\_\_\_\_ \_ TO STATION \_\_\_\_\_ STATION \_\_\_\_\_ DESCRIPTION\_\_\_\_

CROSS SECTIONS
Scale 1 inch = 10 feet

Checked by \_\_\_\_\_ Date \_\_\_\_ Area by \_\_\_\_\_\_ Date \_\_\_\_\_ " Checked by \_\_\_\_\_ Date \_\_\_\_